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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91225099
Party	Defendant inYOW, LLC
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Submission	Answer
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Date	12/28/2015
Attachments	Answer.pdf(76769 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LINKEDIN CORPORATION,)	
)	
Opposer,)	Opposition No. 91225099
)	
)	Serial No. 86/507,594
V.)	
)	
)	
INYOW, LLC,)	
Applicant.)	

ANSWER AND AFFIRMATIVE DEFENSE

Applicant, INYOW, LLC (“Applicant”), by and through its undersigned counsel, hereby answers and responds to the Notice of Opposition (the “Notice”) filed by LINKEDIN CORPORATION (“Opposer”) as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Notice and therefore denies the same.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Notice and therefore denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Notice and therefore denies the same.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Notice and therefore denies the same.
5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Notice and therefore denies the same.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Notice and therefore denies the same.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Notice and therefore denies the same.

8. Applicant admits the allegations set forth in Paragraph 8 of the Notice.

9. Applicant admits the allegations set forth in Paragraph 9 of the Notice.

10. Applicant denies the allegations set forth in Paragraph 10 of the Notice.

11. Applicant denies the allegation set forth in Paragraph 11 of the Notice that the services intended to be offered under the INYOW mark are substantially similar or identical to those provided by Opposer. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 11 of the Notice and therefore denies the same.

12. Applicant denies the allegations set forth in Paragraph 12 of the Notice.

13. Applicant denies the allegations set forth in paragraph 13 of the Notice.

14. Applicant admits that it had knowledge of some of Opposer's marks at the time it selected its mark but affirmatively states that such knowledge had no impact on Applicant's selection.

15. Applicant admits the allegation in Paragraph 15 of the Notice that Opposer is not affiliated or connected with Applicant or its services. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 15 and therefore denies the same.

16. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 16 of the Notice and therefore denies the same.

17. Applicant restates and incorporates by reference Applicant's responses to Paragraphs 1 through 16 of the Notice as though fully set forth herein.

18. Applicant denies the allegations set forth in Paragraph 18 of the Notice. To the extent Opposer alleges facts relating to Applicant's use of the inYOW mark, such facts are irrelevant, as Applicant's right to use the mark is outside the scope of the Trademark Trial and Appeal Board's jurisdiction, which is limited to determining right to registration.

19. Applicant denies the allegations set forth in Paragraph 19 of the Notice.

20. Applicant admits the allegation in Paragraph 20 of the Notice that Opposer is not affiliated or connected with Applicant or its services. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 20 and therefore denies the same.

21. Applicant admits the allegation in Paragraph 21 of the Notice that Opposer has no control over the nature and quality of the software and services offered by Applicant under the inYOW mark. Applicant denies the remaining allegations set forth in Paragraph 21 of the Notice.

22. Applicant denies the allegations set forth in Paragraph 22 of the Notice.

23. Applicant restates and incorporates by reference Applicant's responses to Paragraphs 1 through 22 of the Notice as though fully set forth herein.

24. Applicant denies the allegations set forth in Paragraph 24 of the Notice.

25. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 25 of the Notice and therefore denies the same.

26. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 26 of the Notice and therefore denies the same.

27. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 27 of the Notice and therefore denies the same.

28. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 28 of the Notice and therefore denies the same.

29. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 29 of the Notice and therefore denies the same.

30. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 30 of the Notice and therefore denies the same.

31. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 31 of the Notice and therefore denies the same.

32. Applicant denies the allegations set forth in Paragraph 32 of the Notice.

33. Applicant denies the allegations set forth in Paragraph 33 of the Notice.

34. Paragraph 34 of the Notice contains no allegations that require a response from Applicant, and Applicant restates and incorporates by reference Applicant's responses to Paragraphs 1 through 33 of the Notice as though fully set forth herein.

35. Except as expressly admitted or otherwise answered, Applicant denies each and every allegation contained in the Notice.

AFFIRMATIVE DEFENSE

36. The claims of the Notice are barred in whole or in part because Applicant's mark as used in conjunction with the services listed in Applicant's application is not confusingly similar to any mark asserted by Opposer and because use of Applicant's mark in commerce would not result in a likelihood of confusion or dilution between Opposer's asserted marks and Applicant's mark because the marks are dissimilar, Opposer's marks are not famous, Applicant's listed services are distinctly different from Opposer's services, and numerous third parties have made and continue to make proper use of marks similar to Opposer's in connection with similar goods and services.

37. Applicant currently has insufficient knowledge or information on which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available and reserves the right to assert additional affirmative defenses.

WHEREFORE, Applicant respectfully requests that the Trademark Trial and Appeal Board dismiss the Notice of Opposition with prejudice and permit registration of Applicant's mark.

Respectfully submitted,

Date: December 28, 2015

/Alexandrea Simser/
Alexandrea Simser
Attorney for Applicant
4448 Chastain Drive
Melbourne, FL 32940

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2015, true and correct copies of the foregoing **ANSWER AND AFFIRMATIVE DEFENSE** have been served by emailing said copies to Opposer's counsel of record at the following email addresses, pursuant to Trademark Rule 2.119(b)(6):

jcullum@cooley.com

jlauter@cooley.com

Date: December 28, 2015

/Alexandrea Simser/
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